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NAME: DATE: January 24, 2005
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NUMBER OF PAGES INCLUDING COVER SHEET: 10

[X] This will be the only form of delivery of transmitted document.

ATTACHED IS THE FOLLOWING:

- 1) Cover Sheet (1 pg)
- 2) Substitute Second Preliminary Amendment with Certificate of Facsimile dated January 24, 2005 (9 pgs)

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**RECEIVED
CENTRAL FAX CENTER****JAN 24 2005****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. Of: GEER et al.
Appln. Ser. No.: 10/713,769
Filed: November 14, 2003
For: FOOTWEAR STRUCTURE AND METHOD OF FORMING
THE SAME
Group Art Unit: 3728
DOCKET: FCC100CIPDIVCON
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify that this correspondence is being transmitted via facsimile to: United States Patent and Trademark Office, Group # 3728 at fax number 703-872-9306 on January 24, 2005, at Manchester, New Hampshire.

By **SUBSTITUTE SECOND PRELIMINARY AMENDMENT**

Dear Sir:

In Applicants' Second Preliminary Amendment dated January 7, 2005, Applicants inadvertently omitted the designation of newly added claims as being "New." This preliminary amendment is, therefore, intended to replace the Second Preliminary Amendment dated January 7, 2005. Applicants hereby request that the following amendments be made to the above identified application prior to the examination thereof by the Examiner.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.